

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

KECIA D. HENDRIX, §
§
Plaintiff, §
§
v. § CASE NO. 4:12CV685
§
§
SOUTHWESTERN BELL TELEPHONE L.P., §
d/b/a AT&T §
§
§
Defendant. §

**MEMORANDUM ADOPTING REPORTS AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the reports of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 10, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that *Pro Se* Plaintiff's Motion for Default Judgment (Dkt. 60) be DENIED (*see* Dkt. 61). No objections to the Magistrate Judge's recommendations were timely filed.

On October 20, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Amended Motion to Dismiss With Prejudice or in the Alternative Motion to Compel Discovery and For Sanctions (Dkt. 55) be GRANTED, that this case be dismissed with prejudice, and that Plaintiff be required to pay Defendant its reasonable expenses caused by Plaintiff's failure to comply with the court's discovery orders and Plaintiff's failure to participate in discovery (*see* Dkt. 93). On November 6, 2014 the Magistrate Judge entered an order regarding the amount of Defendant's reasonably recoverable fees and costs finding that Plaintiff should be required to pay Defendant for \$1,020.00 in fees spent in connection with

compelling discovery, \$1,593.75 in fees preparing for and appearing for her deposition, \$318.75 in fees for the filing the supplemental notices regarding Plaintiff's failure to comply with the Court's orders, and \$220.00 in costs, for a total of \$3,152.50 (*see* Dkt. 95). On November 24, 2014, Plaintiff filed a "Response to Defendant's Unnecessary Discovery Fees" (*see* Dkt. 101), and, on December 12, 2014, Defendant filed its response (*see* Dkt. 102).

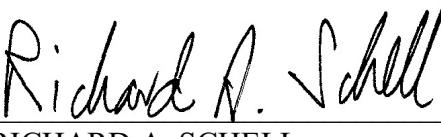
The court has made a *de novo* review of Plaintiff's November 24, 2014 filing, as well as Defendant's response, and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and any objections raised by Plaintiff are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Pro Se Plaintiff's Motion for Default Judgment (Dkt. 60) is DENIED, Defendant's Amended Motion to Dismiss With Prejudice or in the Alternative Motion to Compel Discovery and For Sanctions (Dkt. 55) is GRANTED, this case shall be dismissed with prejudice, and Plaintiff shall be required to pay Defendant for \$1,020.00 in fees spent in connection with compelling discovery, \$1,593.75 in fees preparing for and appearing for her deposition, \$318.75 in fees for the filing the supplemental notices regarding Plaintiff's failure to comply with the court's orders, and \$220.00 in costs, for a total of \$3,152.50. Plaintiff is hereby warned that the court will consider a pre-filing injunction should she continue to file meritless pleadings with this court.

Any request for sanctions against Defendant is also DENIED.

IT IS SO ORDERED.

SIGNED this the 24th day of March, 2015.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE